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20 UNITED STATES DISTRICT COURT  
21 CENTRAL DISTRICT OF CALIFORNIA

22 EVANGELINE RED and RACHEL  
23 WHITT, on Behalf of Themselves and  
24 All Others Similarly Situated,

25 Plaintiffs,

26 v.

27 KRAFT FOODS INC., KRAFT  
28 FOODS NORTH AMERICA, and  
KRAFT FOODS GOLBAL, INC.,

Defendants.

Case No: 2:10-cv-01028 GW(AGRX)  
CLASS ACTION

**FIRST AMENDED COMPLAINT  
FOR VIOLATIONS OF:**

**THE LANHAM ACT;**

**UNFAIR COMPETITION LAW;**

**FALSE ADVERTISING LAW;  
AND**

**CONSUMER LEGAL REMEDIES  
ACT**

DEMAND FOR JURY TRIAL

1 Plaintiffs Evangeline Red and Rachel Whitt (“Plaintiffs”), on behalf of  
2 themselves, all others similarly situated, and the general public, by and through  
3 undersigned counsel, hereby sue Defendants Kraft Foods Inc., Kraft Foods North  
4 America, and Kraft Foods Global, Inc. (collectively, “Kraft”) and, upon  
5 information and belief and investigation of counsel, allege as follows:

6 **JURISDICTION AND VENUE**

7 1. This Court has original jurisdiction over this action under 28 U.S.C.  
8 §1331 and 15 U.S.C. §1121.

9 2. This Court also has original jurisdiction under 28 U.S.C. §1332(d)(2)  
10 (The Class Action Fairness Act) because the matter in controversy exceeds the sum  
11 or value of \$5,000,000 exclusive of interest and costs and more than two-thirds of  
12 the members of the Classes reside in states other than the state of which  
13 Defendants are citizens.

14 3. Venue is proper in this Court pursuant to 28 U.S.C. §1391 because  
15 Plaintiffs reside in and suffered injuries as a result of Defendants’ acts in this  
16 district, many of the acts and transactions giving rise to this action occurred in this  
17 district, and Defendants (1) are authorized to conduct business in this district and  
18 have intentionally availed themselves of the laws and markets of this district  
19 through the promotion, marketing, distribution, and sale of their products in this  
20 district; (2) reside in this district; and (3) are subject to personal jurisdiction in this  
21 district.

22 **INTRODUCTION**

23 4. Plaintiffs purchased packaged food products made by Kraft during the  
24 Class Period defined herein.

25 5. Kraft falsely markets Ritz Crackers, Original Premium Saltine  
26 Crackers, Ginger Snaps, and Teddy Grahams (the “Kraft Trans Fat Products”) as  
27 healthful despite that they contain dangerous levels of artificial *trans* fat, a toxic  
28 food additive banned in many parts of the world.

6. Kraft uses various methods to represent the Kraft Trans Fat Products, which contain artificial *trans* fat, as not harmful to the cardiovascular system.

7. Plaintiffs repeatedly purchased the Kraft Trans Fat Products during each year of the Class Period.

8. Absent the misstatements and fraudulent omissions described herein, Plaintiffs would not have purchased the Kraft Trans Fat Products.

9. Plaintiffs seek an order that compels Kraft to (1) cease marketing the Kraft Trans Fat Products using the misleading tactics complained of herein, (2) conduct a corrective advertising campaign, (3) restore the amounts by which Kraft was unjustly enriched, and (4) destroy all misleading and deceptive materials and products.

### **PARTIES**

10. Defendant Kraft Foods Inc. is a Delaware corporation with its principal place of business in California. Kraft Foods Inc. is a producer and manufacturer of the Kraft Trans Fat Products.

11. Defendant Kraft Foods North America is a Delaware corporation with its principle place of business in California. Kraft Foods North America is a private subsidiary of Kraft Foods Inc. and a producer and manufacturer of the Kraft Trans Fat Products.

12. Defendant Kraft Foods Global, Inc. is a Delaware corporation with its principle place of business in California. Kraft Foods Global, Inc. is a private subsidiary of Kraft Foods Inc. and a producer and manufacturer of the Kraft Trans Fat Products.

13. Kraft maintains extensive operations in California, including: (1) bakery and wholesale operations in San Diego; (2) tobacco leaf processing facilities in Fullerton; (3) manufacturing of cookies, crackers, and bakery products, wholesale of same, in Ontario; (4) food preparation manufacturing facilities in Ontario; (5) wholesale of cookies and crackers in Los Angeles; (6) poultry

1 processing and cheese manufacturing facilities in Tulare; (7) salted nut  
2 manufacturing facilities in Greenfield; (8) grocery wholesale in Fresno; (9) fruit  
3 juice manufacturing facilities in Fresno; (10) dried, dehydrated, salted, and roasted  
4 nut manufacturing facilities in Fresno; (11) snack chip product manufacturing  
5 facilities in Fresno; (12) storage facilities and warehouses in Fresno; (13) cookie  
6 and cracker wholesale facilities in San Jose; (14) cookie and cracker wholesale  
7 facilities in Milpitas; (15) food specialties manufacturing facilities in Livermore;  
8 and (16) food preparation and coffee manufacturing facilities in San Leandro.

9       14. Plaintiffs Evangeline Red and Rachel Whitt are residents of California  
10 who repeatedly purchased the Kraft Trans Fat Products during the Class Period  
11 defined herein.

12       15. Plaintiffs first discovered Kraft's unlawful acts as described herein in  
13 or about December, 2009, when Plaintiffs first learned that the Kraft Trans Fat  
14 Products contained artificial *trans* fat and that artificial *trans* fat is extremely  
15 dangerous to human health and is associated with heart disease, diabetes, cancer,  
16 and death.

17       16. Plaintiffs, in the exercise of reasonable diligence, could not have  
18 discovered earlier Kraft's unlawful acts as described herein because the dangers of  
19 artificial *trans* fats were known to Kraft, but not to Plaintiffs, throughout the Class  
20 Period as defined below. Plaintiffs are not nutritionists, food experts, or food  
21 scientists, but rather lay consumers who did not have the specialized knowledge  
22 that Kraft had, which otherwise would have enabled them to associate partially  
23 hydrogenated oil with artificial *trans* fat, and then artificial *trans* fat with disease.  
24 Even today the nature and extent of artificial *trans* fats—including that they  
25 necessarily exist where partially hydrogenated oil is used as an ingredient in a food  
26 product—is generally unknown to the average consumer. Plaintiffs relied, during  
27 the Class Period, on Kraft's misleading "0g trans fat" and other health claims in  
28 deciding to purchase the Kraft Trans Fat Products.

**SUMMARY OF THE STRONG EVIDENCE OF HEALTH DANGERS  
OF ARTIFICIAL *TRANS* FAT**

**Artificial *trans* fat is a manufactured food product whose basic chemical structure is different from natural fat molecules.**

17. *Trans* fat is naturally found in trace amounts in foods derived from ruminant animals, primarily in cow's milk and red meat.<sup>1</sup> It is also found in small quantities in human breast milk.

18. Also known as vaccenic acid, natural *trans* fat has never been linked to any negative health effect in human beings and is chemically different than artificial *trans* fat.

19. Initial studies on rats indicate that consumption of vaccenic acid is beneficial to health.<sup>2</sup>

20. Artificial *trans* fat, by contrast, is manufactured in an industrial process called hydrogenation, in which hydrogen atoms are added to normal vegetable oil by heating the oil to temperatures above 400 degrees Fahrenheit in the presence of ion donor catalyst metals such as rhodium, ruthenium, and nickel.<sup>3</sup>

21. The resulting product is known as partially hydrogenated vegetable oil ("PHVO"), which was invented in 1901 and patented in 1902 by German chemist Wilhelm Normann. PHVO is an ingredient in the Kraft Trans Fat Products and the main source of *trans* fat in the American diet.<sup>4</sup>

22. *Trans* fat molecules chemically differ from the natural fat molecules

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<sup>1</sup> Dariush Mozaffarian *et al.*, *Trans Fatty Acids and Cardiovascular Disease*, 354 New Eng. J. Med. 1601, 1608 (2008).

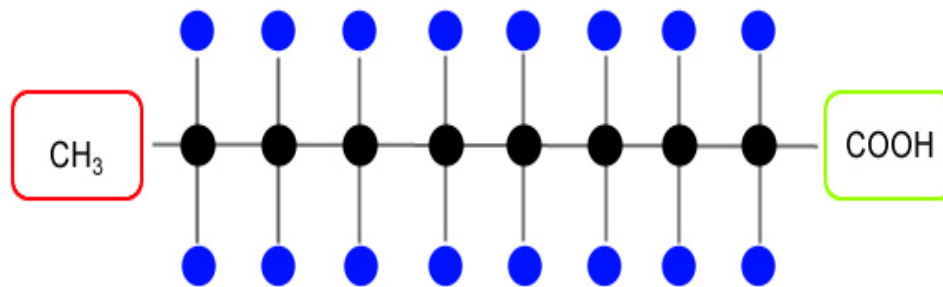
<sup>2</sup> Ye Wang *et al.*, *Trans-11 Vaccenic Acid Dietary Supplementation Induces Hypolipidemic Effects on JCR:LA-cp Rats*, 138 J. Nutrition 2117 (November 2008).

<sup>3</sup> See Alice H. Lichtenstein, *Trans Fatty Acids, Plasma Lipid Levels, and Risk of Developing Cardiovascular Disease*, 95 Circulation 2588, 2588-90 (1997).

<sup>4</sup> See Mozaffarian, 354 New Eng. J. Med. at 1608.

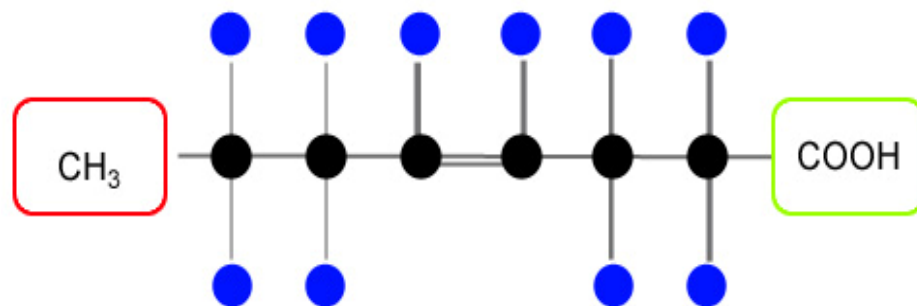
in other food products. Natural fat, except the trace amounts of natural *trans* fat from ruminant animals, comes in two varieties: (1) fats that lack carbon double bonds (“saturated fat”) and (2) fats that have carbon double bonds with the hydrogen atoms on the same side on the carbon chain (“*cis* fat”). *Trans* fat, however, has double bonds on opposite sides of its carbon chain.

Saturated fat

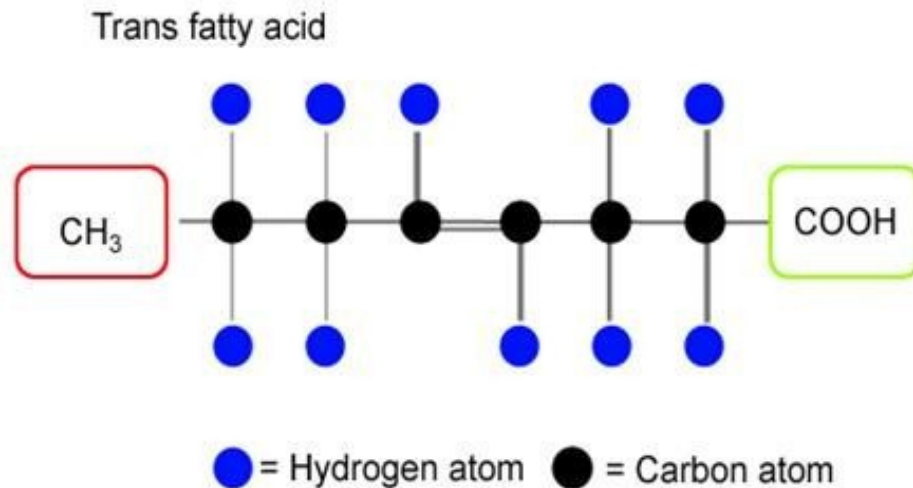


● = Hydrogen atom    ● = Carbon atom

Cis fatty acid



● = Hydrogen atom    ● = Carbon atom



23. PHVO was initially a “wonder product” attractive to the packaged food industry because it combines the low cost of unsaturated *cis* fat with the flexibility and long shelf life of saturated fat. Like *cis* fat, PHVO is manufactured from lower-cost legumes,<sup>5</sup> while saturated fat is derived from relatively expensive animal and tropical plant sources.<sup>6</sup> Like natural saturated fat, PHVO has a long shelf life, physical solidity, and flavor stability.

24. The industrial process that adds hydrogen ions to normal vegetable oil improves food texture and permits food products to withstand heavy mechanical processing and high temperatures.<sup>7</sup> Given its versatility, PHVO was recently used in 40 percent of processed packaged foods.<sup>8</sup>

25. Artificial *trans* fat does not exist in nature, and the human body has

<sup>5</sup> e.g., corn oil, soybean oil, peanut oil

<sup>6</sup> e.g., butter, cream, tallow, coconut oil

<sup>7</sup> See Alberto Ascherio *et al.*, *Trans Fatty Acids & Coronary Heart Disease*, 340 New Eng. J. Med. 94, 94-8 (1999). See also Ctr. for Food Safety & Applied Nutrition, U.S. Food & Drug Admin., Questions & Answers About *Trans* Fat Nutrition Labeling (Update 2006) (2003), available at <http://www.cfsan.fda.gov/%7Edms/qatrans2.html#fn>.

<sup>8</sup> Mary Carmichael, *The Skinny on Bad Fat*, Newsweek, Dec. 1, 2003, at 66. See also Kim Severson, *Hidden Killer. It's Trans Fat. It's Dangerous. And It's In Food You Eat Every Day*, S.F. Chron., Jan. 30, 2002.



not evolved to digest it. The same unusual and unnatural chemical structure that gives artificial *trans* fat properties attractive from an industrial perspective makes it highly toxic to human health.

**Artificial *trans* fat causes cardiovascular disease, type 2 diabetes, and cancer.**

• **Heart Disease**

26. In a joint Dietary Guidelines Advisory Committee Report, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture recognized “[t]he relationship between *trans* fatty acid intake and LDL cholesterol is direct and progressive, increasing the risk of cardiovascular disease.”<sup>9</sup>

27. Food products with artificial *trans* fat harm the heart by “rais[ing] the concentration of the most dangerous form of serum cholesterol (LDL cholesterol)” and “lower[ing] a protective form of serum cholesterol (HDL cholesterol).”<sup>10</sup>

28. The American Heart Association notes “*trans* fats raise your bad (LDL) cholesterol levels and lower your good (HDL) cholesterol levels. Eating *trans* fats increases your risk of developing heart disease.”<sup>11</sup>

29. After an extensive evaluation of the scientific literature on the *trans* fat/CHD connection, the FDA concluded:

...based on the consistent results across a number of the most persuasive types of study designs (i.e., intervention trials and prospective cohort studies) that were conducted using a range of test conditions and across different geographical regions and populations...the available evidence for an adverse relationship

<sup>9</sup> Dep’t of Health & Human Serv. & U.S. Dep’t of Agric., 2005 Dietary Guidelines Advisory Committee Report, Section 10 (2005).

<sup>10</sup> *Id.*

<sup>11</sup> Am. Heart Ass’n., *Trans Fat Overview*, available at <http://www.americanheart.org/presenter.jhtml?identifier=3045792>.



1 between *trans* fat intake and CHD risk is strong.<sup>12</sup>

2 30. *Trans* fat raises the risk of CHD more than any other known nutritive  
3 product.<sup>13</sup>

4 31. Removing 2% of daily calories from *trans* fat from the American diet  
5 “would prevent approximately 30,000 premature coronary deaths per year, and  
6 epidemiologic evidence suggests this number is closer to 100,000 premature  
7 deaths annually.”<sup>14</sup>

8 32. A study on the impact of *trans* fatty acids on heart health provides  
9 evidence that:

10 [E]ven the lower estimates from the effects [of PHVO] on blood lipids  
11 would suggest that more than 30,000 deaths per year may be due to  
12 the consumption of partially hydrogenated vegetable fat. Furthermore,  
13 the number of attributable cases of nonfatal coronary heart disease  
14 will be even larger.<sup>15</sup>

15 33. Since “the adverse effect of *trans* fatty acids is stronger than that of  
16 saturated fatty acids,” saturated fat consumption would need to be reduced by 10  
17 percent of caloric intake to have the same impact.<sup>16</sup>

18 34. “10 to 19 percent of CHD events in the United States could be averted  
19 by reducing the intake of *trans* fat.”<sup>17</sup>

20 35. By raising LDL levels and lowering HDL levels, *trans* fat causes a  
21 wide variety of dangerous heart conditions, including low flow-mediated

22  
23 <sup>12</sup> Ctr. for Food Safety & Applied Nutrition, U.S. Food & Drug Admin., Questions  
& Answers About *Trans* Fat Nutrition Labeling.

24 <sup>13</sup> Mozaffarian, 354 New Eng. J. Med. at 1603.

25 <sup>14</sup> Alberto Ascherio *et al.*, *Trans Fatty Acids & Coronary Heart Disease*, 340 New  
Eng. J. Med. 94, 94-8 (1999).

26 <sup>15</sup> W.C. Willett *et al.*, *Trans Fatty Acids: Are the Effects only Marginal?* 84 Am. J.  
27 Pub. Health 722, 723 (1994).

28 <sup>16</sup> Mozaffarian, 354 New Eng. J. Med. at 1609.

<sup>17</sup> See Mozaffarian, 354 New Eng. J. Med. at 1611.

1 vasodilation, coronary artery disease, and primary cardiac arrest.

2 36. After conducting a crossover diet trial, Danish researchers determined  
3 that healthy men and women who maintained a high-*trans* fat diet had 21 percent  
4 lower protective HDL levels and 29 percent lower flow-mediated vasodilation  
5 (“FMD”) than those on a high-saturated fat diet. Since FMD measures the percent  
6 increase between the diameter of the artery at ordinary and at maximum dilation,  
7 low FMD is “a risk marker of coronary heart disease.”<sup>18</sup>

8 37. Australian researchers observed that heart attack patients possess  
9 elevated amounts of *trans* fat in their adipose tissue, strongly linking heart disease  
10 with long-term consumption of *trans* fat.<sup>19</sup>

11 38. By taking blood samples from 179 survivors of cardiac arrest and 285  
12 randomly-selected control patients and comparing the top fifth with the bottom  
13 fifth of participants by *trans* fat intake, another study published in the American  
14 Heart Association’s *Circulation* found that the largest consumers of *trans* fat have  
15 three times the risk of suffering primary cardiac arrest, even after controlling for a  
16 variety of medical and lifestyle risk factors.<sup>20</sup>

17 • **Diabetes**

18 39. Artificial *trans* fat causes type 2 diabetes.<sup>21</sup>

19 40. In particular, *trans* fat disrupts the body’s glucose and insulin  
20 regulation system by incorporating itself into cell membranes, causing the insulin  
21

22 <sup>18</sup> Nicole M. De Roos *et al.*, *Replacement of Dietary Saturated Fatty Acids by*  
23 *Trans Fatty Acids Lowers Serum HDL Cholesterol and Impairs Endothelial*  
24 *Function in Healthy Men and Women*, 21 Am. Heart Assoc. 1233, 1233-37  
(2001).

25 <sup>19</sup> Peter M. Clifton *et al.*, *Trans Fatty Acids In Adipose Tissue And The Food*  
26 *Supply Are Associated With Myocardial Infarction*. 134 J. of Nutrition 874, 874-79  
(2004).

27 <sup>20</sup> Rozenn N. Lemaitre *et al.*, *Cell Membrane Trans-Fatty Acids and the Risk of*  
28 *Primary Cardiac Arrest*, 105 *Circulation* 697, 697-701 (2002).

<sup>21</sup> Am. Heart Ass’n., *Trans Fat Overview*.

1 receptors on cell walls to malfunction, and in turn elevating blood glucose levels  
 2 and stimulating further release of insulin. Researchers at Northwestern  
 3 University's medical school found mice show multiple markers of type-2 diabetes  
 4 after eating a *trans* fat diet for only four weeks. By the eighth week of the study,  
 5 mice fed the diet high in trans fat showed a 500% increase compared to the control  
 6 group in hepatic interleukin-1 $\beta$  gene expression, one such marker of diabetes,  
 7 indicating the extreme stress *trans* fat places on the body.<sup>22</sup>

8 41. A 14-year study of 84,204 women found that for every 2 percent  
 9 increase in energy intake from *trans* fat, the relative risk of type 2 diabetes was  
 10 1.39. In other words, each 2 percent of calories from artificial *trans* fat increases  
 11 the risk of type 2 diabetes by 39 percent.<sup>23</sup>

12 • **Cancer**

13 42. *Trans* fat is a known carcinogen shown to cause breast, prostate, and  
 14 colorectal cancer.

15 43. A 13-year study of 19,934 French women showed 75 percent more  
 16 women contracted breast cancer in the highest quintile of *trans* fat consumption  
 17 than did those in the lowest.<sup>24</sup>

18 44. In a 25-year study of 14,916 U.S. physicians, the doctors in the  
 19 highest quintile of *trans* fat intake had over a 100% greater risk of developing  
 20 prostate cancer than the doctors in the lowest quintile.<sup>25</sup>

21 \_\_\_\_\_  
 22 <sup>22</sup> Sean W. P. Koppe *et al.*, *Trans fat feeding results in higher serum alanine*  
 23 *aminotransferase and increased insulin resistance compared with a standard*  
*murine high-fat diet*, 297 Am. J. Physiol. Gastrointest Liver Physiol. G378-84  
 (2009).

24 <sup>23</sup> Jorge Salmeron *et al.*, *Dietary Fat Intake and Risk of Type 2 Diabetes in Women*,  
 25 73 Am. J. of Clinical Nutrition 1019, 1023 (2001).

26 <sup>24</sup> Véronique Chajès *et al.*, *Association between Serum Trans-Monounsaturated*  
 27 *Fatty Acids and Breast Cancer Risk in the E3N-EPIC Study*. 167 Am. J. of  
 Epidemiology 1312, 1316 (2008).

28 <sup>25</sup> Jorge Chavarro *et al.*, *A Prospective Study of Blood Trans Fatty Acid Levels and*  
*Risk of Prostate Cancer.*, 47 Proc. Am. Assoc. of Cancer Research 95, 99 (2006).

45. A study of 1,012 American males observing *trans* fat intake and the risk of prostate cancer found “[c]ompared with the lowest quartile of total trans-fatty acid consumption, the higher quartiles gave odds ratios (ORs) equal to 1.58,” meaning those in the highest quartile are 58% more likely to contract prostate cancer than those in the lowest.<sup>26</sup>

46. A 600-person study found an 86 percent greater risk of colorectal cancer in the highest *trans* fat consumption quartile than in the lowest.<sup>27</sup>

47. A 2,910-person study found “trans-monounsaturated fatty acids...were dose-dependently associated with colorectal cancer risk,” which showed “the importance of type of fat in the etiology and prevention of colorectal cancer.”<sup>28</sup>

48. The serious health conditions caused by *trans* fat consumption only occur from artificial *trans* fat, not the trace natural *trans* fat found in ruminant sources:

Of four prospective studies evaluating the relation between the intake of *trans* fatty acids from ruminants and the risk of CHD, none identified a significant positive association, whereas three identified nonsignificant trends toward an inverse association. ... [T]he sum of the current evidence suggests that the public health implications of consuming *trans* fats from ruminant products are relatively limited.<sup>29</sup>

**The grave, concrete risks of artificial *trans* fat consumption far outweigh any conceivable benefits of Kraft’s conduct.**

49. There is no health benefit to artificial *trans* fat consumption and “no

<sup>26</sup> Xin Liu *et al.*, *Trans-Fatty Acid Intake and Increased Risk of Advanced Prostate Cancer: Modification by RNASEL R462Q Variant*, 28 *Carcinogenesis* 1232, 1232 (2007).

<sup>27</sup> L.C. Vinikoor *et al.*, *Consumption of Trans-Fatty Acid and its Association with Colorectal Adenomas*, 168 *Am. J. of Epidemiology* 289, 294 (2008).

<sup>28</sup> Evropi Theodoratou *et al.*, *Dietary Fatty Acids and Colorectal Cancer: A Case-Control Study*, 166 *Am. J. of Epidemiology* 181 (2007).

<sup>29</sup> Mozaffarian, 354 *New Eng. J. Med.* at 1608-1609.

safe level” of artificial *trans* fat intake.<sup>30</sup>

50. According to the established consensus of the scientific community, consumers should keep their consumption of *trans* fat “as low as possible.”<sup>31</sup>

51. As Dariush Mozaffarian, M.D., notes in the New England Journal of Medicine:

[T]rans fats from partially hydrogenated oils have no intrinsic health value above their caloric value. Thus, from a nutritional standpoint, the consumption *trans* fatty acids results in considerable potential harm but no apparent benefit. ... Thus, complete or near-complete avoidance of industrially produced *trans* fat—a consumption of less than 0.5 percent of the total energy intake—may be necessary to avoid adverse effects and would be prudent to minimize health risks.<sup>32</sup>

**Trans fat is so inherently dangerous that it is being banned in an increasing number of American states and European countries.**

52. In 2008, California became the first state to ban all restaurant food with artificial *trans* fat, a law affecting approximately 88,000 eating establishments. *Trans* fats are now banned in restaurants as of January 1, 2010 and on January 1, 2011 will be phased out of retailers.

53. New York City banned all *trans* fat in its 20,000 food establishments in 2006. Similar laws exist in Philadelphia; Baltimore; Stamford, Connecticut; and Montgomery County, Maryland.

54. A 2004 Danish law restricted all foods to under 2 percent of calories

<sup>30</sup> Food & Nutrition Bd., Inst. of Med., Dietary Reference Intakes For Energy, Carbohydrate, Fiber, Fat, Fatty Acids, Cholesterol, Protein, and Amino Acids (2005).

<sup>31</sup> Food & Nutrition Bd., Inst. of Med., Dietary Reference Intakes For Energy, Carbohydrate, Fiber, Fat, Fatty Acids, Cholesterol, Protein, and Amino Acids 424 (2005).

<sup>32</sup> Mozaffarian, 354 New Eng. J. Med. at 1609.

1 from *trans* fat. Switzerland made the same restriction in 2008.<sup>33</sup>

2 55. After conducting a surveillance study of Denmark's *trans* fat ban,  
3 researchers concluded the change "did not appreciably affect the quality, cost or  
4 availability of food" and did not have "any noticeable effect for the consumers."<sup>34</sup>

5 56. In 2006, a *trans* fat task force co-chaired by Health Canada and the  
6 Heart and Stroke Foundation of Canada recommended capping *trans* fat content at  
7 2 percent of calories for tub margarines and spreads and 5 percent for all other  
8 foods. On September 30, 2009, British Columbia became the first province to  
9 impose these rules on all restaurants, schools, hospitals, and special events.<sup>35</sup>

10 **Direct consumption of dietary cholesterol is unrelated to heart disease.**

11 57. By raising bad cholesterol and lowering good cholesterol levels, *trans*  
12 fat raises the risk of CHD more than any other known nutritive product.<sup>36</sup> By  
13 contrast, dietary cholesterol intake is unrelated to CHD risk.<sup>37</sup>

14 58. Kraft, however, markets the Kraft Trans Fat Products—which contain  
15 dangerous levels of *trans* fat—as "cholesterol free," which thereby misleads  
16 consumers by implying a connection between dietary cholesterol intake and  
17 disease where none exists.

18 \_\_\_\_\_  
19 <sup>33</sup> Andrew Collier, *Deadly Fats: Why Are We still Eating Them?*, The Independent  
(UK), June 10, 2008.

20 <sup>34</sup> Mozaffarian, 354 New Eng. J. Med. at 1610; *see also* High Levels of Industrially  
21 Produced *Trans* Fat in Popular Fast Food, 354 New Eng. J. Med. 1650, 1652  
(2006).

22 <sup>35</sup> *Province Restricts Trans Fat in B.C.*, British Columbia Ministry of Healthy  
23 Living and Sport Press Release (2009), *available at*  
24 [http://www2.news.gov.bc.ca/news\\_releases\\_2005-2009/2009HLS0013-](http://www2.news.gov.bc.ca/news_releases_2005-2009/2009HLS0013-000315.htm)

25 <sup>36</sup> Mozaffarian, 354 New Eng. J. Med. at 1602.

26 <sup>37</sup> Katja L. Esrey *et al.*, *Relationship Between Dietary Intake and Coronary Heart*  
27 *Disease Mortality: Lipid Research Clinics Prevalence Follow-up Study*, 49 J. Clin.  
28 *Epidemiol* 2:211, 212-216 (1996). *See also* Barbara Millen Posner *et al.*, *Dietary*  
*Lipid Predictors of Coronary Heart Disease in Men: The Framingham Study*, 151  
*Arch Intern Med* 1181, 1184-86 (June 1991).

1           59. Kraft's "cholesterol free" claims further insinuate that consumption of  
2 the Kraft Trans Fat Products is useful for the maintenance of healthy serum  
3 cholesterol levels when in fact the consumption of the trans-fat laden Kraft Trans  
4 Fat Products negatively impacts serum cholesterol levels. Kraft thus deceives  
5 consumers concerned about cardiovascular health into purchasing a product that in  
6 fact harms their hearts.

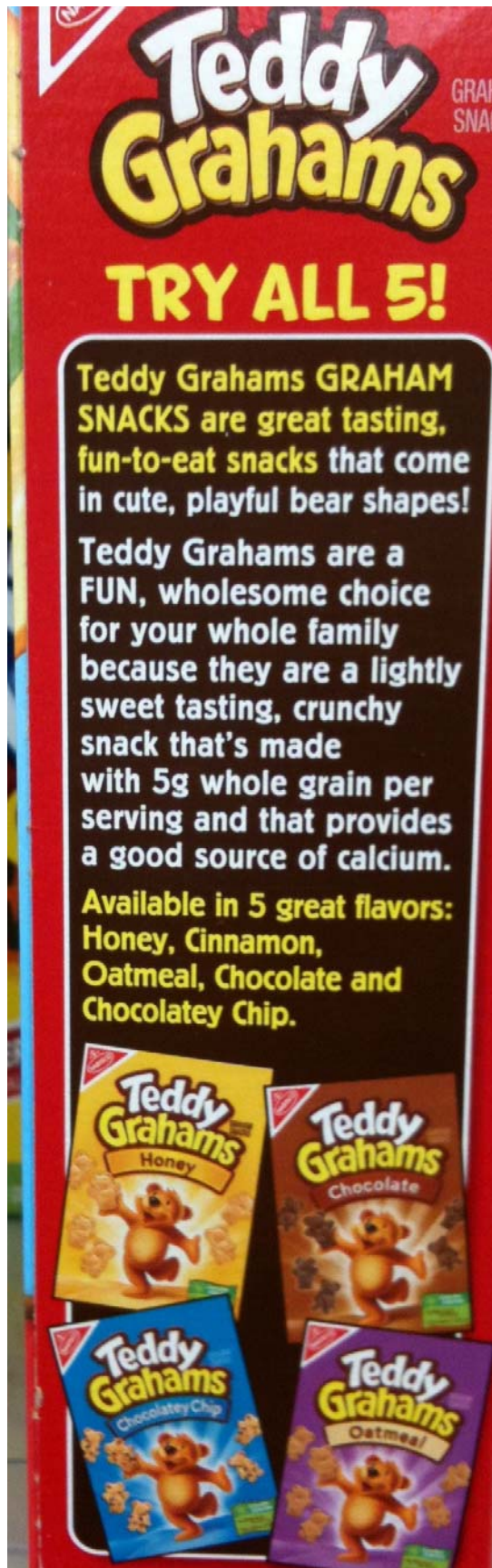
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**SPECIFIC MISREPRESENTATIONS, MATERIAL OMISSIONS,  
AND DECEPTIVE ACTS**

**Teddy Grahams**









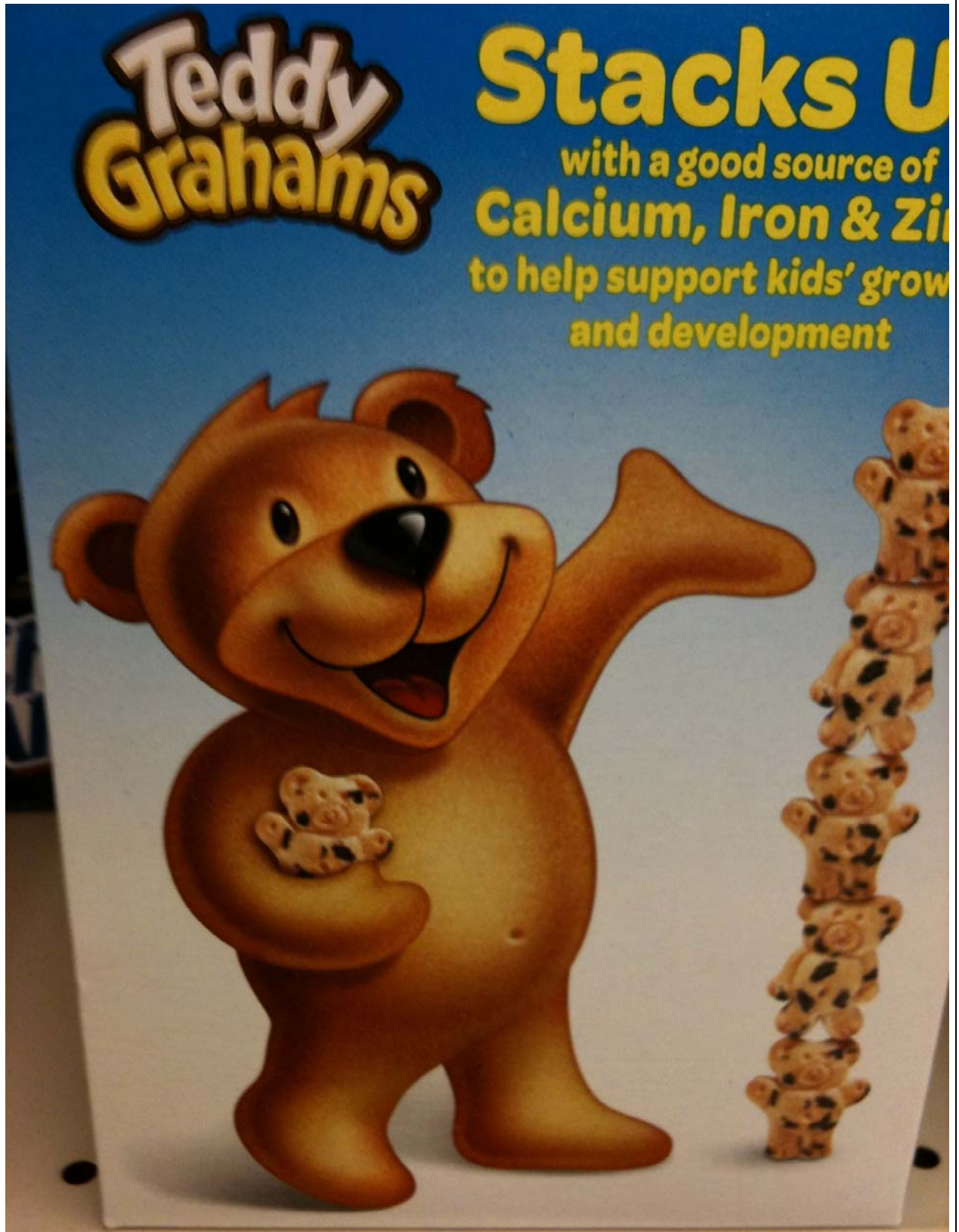
















1           60.   **False and Misleading “Wholesome” Claim:** Kraft labels Teddy  
2   Grahams “A fun, wholesome choice for your whole family.” In fact, far from  
3   wholesome, Teddy Grahams contain artificial trans fat, a toxic ingredient that will  
4   cause death and disease for many of those who regularly consume it.

5           61.   **Misleading “support kids’ growth and development” Claim:** Kraft  
6   misleads consumers into believing that Teddy Grahams products are healthy by  
7   stating that they “support kids’ growth and development.” These statements are  
8   deceptive in intent and nature: they not only omit the fact that Teddy Grahams  
9   contain artificial *trans* fat, which damages a child's development, including brain  
10   development, but also imply that Teddy Grahams are healthy when in fact they  
11   contain a product known to raise one’s risk for CHD, cancer, and diabetes.

12           62.   **Misleading “Smart Choices” Claims:** Kraft places on Teddy  
13   Grahams product containing significant amounts of artificial *trans* fat a label that  
14   stated “Smart Choices Program / Grading Food Choices” Regardless of what the  
15   “Smart Choices Program” refers to, its prominent labeling leads consumers to  
16   believe that the product within the packaging is a “smart choice.” Teddy Grahams  
17   products, however, are far from a “smart choice,” as their consumption will cause  
18   heart disease, cancer, and diabetes in many of the children that consume them.  
19   Further, many other graham cracker products do not contain trans fat but are  
20   otherwise similar to Teddy Grahams.

21           63.   The clear implication of the large light green check mark next to the  
22   phrases “Smart Choices Program” and “Grading Food Choices” is that the product  
23   has been evaluated and “grade[d]” together with other products, and is in  
24   comparison a “Smart Choice.” Such implication is false and misleading.



Vegetable Thins



64. **Misleading Packaging:** The front label of Vegetable Thins shows images of vegetables and advertises “Made With Real Vegetables.” This statement is misleading because Vegetable Thins contain virtually no carrot, tomatoes, onions, or red bell peppers, but instead contain more partially hydrogenated vegetable oil, a form of artificial *trans* fat, than all the pictured vegetables on the label combined.

65. The totality of the packaging, including the name of the product, the green box consumers associate with health foods, and the large images of several particularly healthful vegetables conveys the concrete message to a reasonable consumer: "You can trust eating this product is not bad for your health. We use a lot of vegetables in it." Both of these statements Kraft intended consumers to rely upon and are both false and highly misleading.

**Ritz Crackers Roasted Vegetable**







66. **Misleading "Real Vegetables" Claim:** The front label of Ritz Crackers Roasted Vegetable shows images of vegetables and advertises "MADE WITH REAL VEGETABLES." This statement is misleading because the product contains more partially hydrogenated vegetable oil, a form of artificial *trans* fat, than it does all of the vegetables pictured on the box.

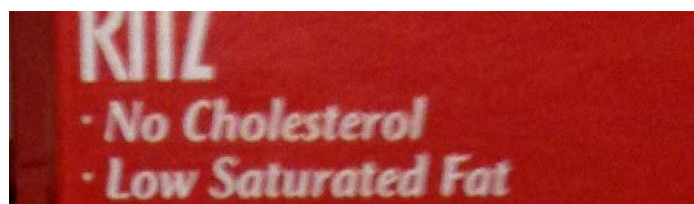
67. **Misleading "No Cholesterol" Claims:** Kraft labels the side of the Ritz Crackers Roasted Vegetable box "No Cholesterol."

68. As described in detail above, the risk of cardiovascular disease is not related to the consumption of dietary cholesterol, but to the serum levels of LDL cholesterol relative to HDL cholesterol. Kraft's Ritz Crackers Roasted Vegetable contain dangerous levels of artificial *trans* fat, which increases LDL cholesterol and decreases HDL cholesterol levels. Kraft capitalizes on a common misperception of dietary cholesterol to mislead consumers who are specifically concerned about heart health into purchasing a product that increases their LDL serum cholesterol, lowers their HDL serum cholesterol, and raises their risk for heart disease, diabetes, and cancer.

69. **Misleading "Sensible Solution" Claims:** Kraft labels Ritz Crackers Roasted Vegetable a "Sensible Solution." This statement, made beside a listing of cholesterol and saturated fat content, is misleading as it deceptively omits the fact that the product contains artificial *trans* fat, which damages heart health far more than dietary cholesterol and saturated fat. The claim is likewise false because it is not "sensible" for a reasonable consumer to purchase a cracker with ingredients

that will cause heart disease, cancer, and diabetes when there is a large selection of similar crackers that do not contain artificial trans fat.

**Ritz Crackers Hint of Salt**





70. **Misleading “No Cholesterol” Claims:** The side panels of the Ritz Crackers Hint of Salt packaging state “No Cholesterol.”

71. As described in detail above, the risk of cardiovascular disease is not related to the consumption of dietary cholesterol, but to the serum levels of LDL cholesterol relative to HDL cholesterol. Kraft’s Ritz Crackers Hint of Salt contain dangerous levels of *trans* fat, which increases LDL cholesterol and decreases HDL cholesterol levels. Kraft capitalizes on a common misperception of dietary cholesterol to mislead consumers who are specifically concerned about heart health into purchasing a product that increases their LDL serum cholesterol, lowers their HDL serum cholesterol, and raises their risk for heart disease, diabetes, and cancer.

72. **Misleading “Sensible Solution” Claims:** Kraft labels Ritz Crackers Hint of Salt a “Sensible Solution.” This statement, made beside a listing of cholesterol and saturated fat content, is misleading as it deceptively omits the fact that the product contains artificial trans fat, which damages heart health far more than dietary cholesterol and saturated fat. The claim is likewise false because it is not “sensible” for a reasonable consumer to purchase a cracker with ingredients that will cause heart disease, cancer, and diabetes when there is a large selection of similar crackers that do not contain artificial trans fat.



Ritz Crackers Reduced Fat



1           73.   **Misleading “No Cholesterol” Claims:** The front and side panels of  
2 the Ritz Crackers Reduced Fat packaging state “No Cholesterol.”

3           74.   As described in detail above, the risk of cardiovascular disease is not  
4 related to the consumption of dietary cholesterol, but to the serum levels of LDL  
5 cholesterol relative to HDL cholesterol. Kraft’s Ritz Crackers Reduced Fat contain  
6 dangerous levels of *trans* fat, which increases LDL cholesterol and decreases HDL  
7 cholesterol levels. Kraft capitalizes on a common misperception of dietary  
8 cholesterol to mislead consumers who are specifically concerned about heart health  
9 into purchasing a product that increases their LDL serum cholesterol, lowers their  
10 HDL serum cholesterol and raises their risk for heart disease, diabetes, and cancer.

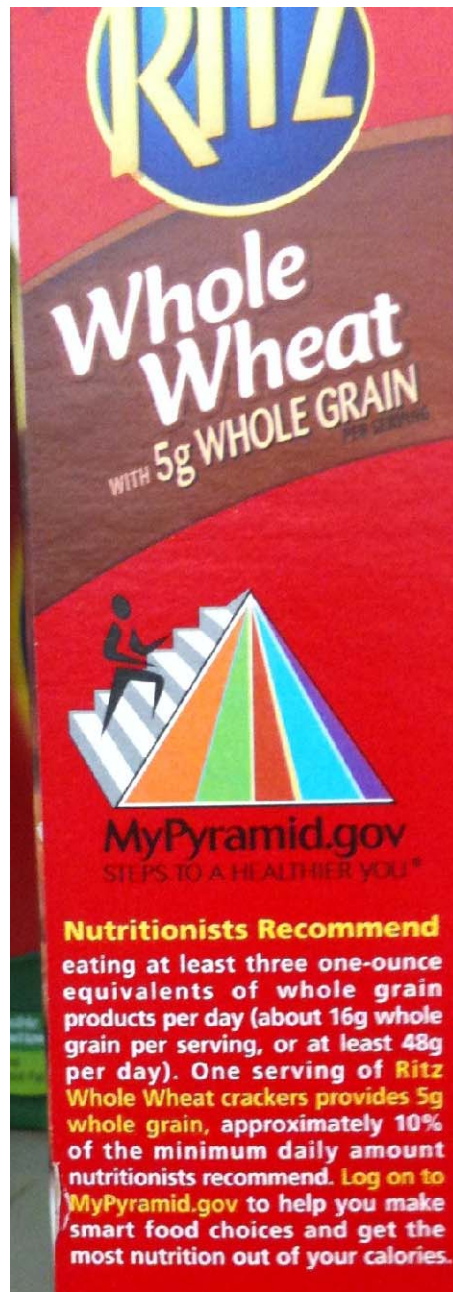
11           75.   **Misleading “Sensible Solution” Claims:** Kraft labels Ritz Crackers  
12 Reduced Fat a “Sensible Solution.” This statement, made beside a listing of  
13 cholesterol and saturated fat content, is misleading as it deceptively omits the fact  
14 that the product contains artificial trans fat, which damages heart health far more  
15 than dietary cholesterol and saturated fat. The claim is likewise false because it is  
16 not "sensible" for a reasonable consumer to purchase a cracker with ingredients  
17 that will cause heart disease, cancer, and diabetes when there is a large selection of  
18 similar crackers that do not contain artificial trans fat.

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Ritz Crackers Whole Wheat







76. **Misleading Packaging:** The side panel of the Ritz Crackers Whole Wheat package states “Ritz Whole Wheat Crackers provides 5g whole grain,” “Nutritionists Recommend,” and “STEPS TO A HEALTHIER YOU.” These claims are misleading, as the obvious implication is that Ritz Whole Wheat Crackers are healthy when in fact they contain artificial *trans* fat, a toxic additive that causes heart disease, cancer, and type-2 diabetes.

77. **Misleading “No Cholesterol” Claims:** Ritz Crackers Whole Wheat

1 state “No Cholesterol” on the front and side labels of the packaging.

2       78. As described in detail above, the risk of cardiovascular disease is not  
3 related to the consumption of dietary cholesterol, but to the serum levels of LDL  
4 cholesterol relative to HDL cholesterol. Kraft’s Ritz Crackers Whole Wheat  
5 contain dangerous levels of *trans* fat, an additive which increases LDL cholesterol  
6 and decreases HDL cholesterol levels. Kraft capitalizes on a common  
7 misperception of dietary cholesterol to mislead consumers who are specifically  
8 concerned about heart health into purchasing a product that raises their LDL serum  
9 cholesterol, lowers their HDL serum cholesterol and raises their risk for heart  
10 disease, cancer, and diabetes.

11       79. **Misleading “Sensible Solution” Claims:** Kraft labels Ritz Crackers  
12 Whole Wheat a “Sensible Solution.” This statement, made beside a listing of  
13 cholesterol, saturated fat, and whole grain content, is misleading as it deceptively  
14 omits the fact that the product contains artificial trans fat, and is likewise false  
15 because it is not "sensible" for a reasonable consumer to purchase a cracker with  
16 ingredients that will cause heart disease, cancer, and diabetes when there is a large  
17 selection of similar crackers that do not contain artificial trans fat.

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Original Premium Saltine Crackers

80. **Misleading “Sensible Snacking” Claims:** Kraft labels its Original Premium Saltine Crackers “Sensible Snacking.” Original Premium Saltine Crackers, however, contain artificial *trans* fat which, far from “sensible snacking,” will cause heart disease, cancer, and diabetes in many of the people that consume them.

81. **Misleading “No Cholesterol” Claims:** Kraft labels its Original Premium Saltine Crackers “No Cholesterol.”

82. As described in detail above, the risk of cardiovascular disease is not related to the consumption of dietary cholesterol, but to the serum levels of LDL cholesterol relative to HDL cholesterol. Kraft’s Original Premium Saltine Crackers contain dangerous levels of *trans* fat, which increases LDL cholesterol and decreases HDL cholesterol levels. Kraft capitalizes on a common misperception of dietary cholesterol to mislead consumers who are specifically concerned about heart health into purchasing a product that increases their LDL serum cholesterol, lowers their HDL serum cholesterol and raises their risk for heart disease, diabetes, and cancer.



Honey Maid Grahams





Honey Maid Grahams, Low Fat Honey



1       83.   **Misleading Packaging:** Kraft misleads consumers into believing that  
2 Honey Maid Grahams are healthy by making deceptive claims on the product  
3 packaging. Such statements include “Contains 6 Grams Whole Grain! per serving,”  
4 “Sensible Solution” and “No Cholesterol.” These statements are deceptive in intent  
5 and nature: both individually and taken together imply that Honey Maid Grahams  
6 are healthy despite the fact that they contain artificial *trans* fat, a toxic additive that  
7 causes heart disease, cancer, and type-2 diabetes.

8       84.   As described in detail above, the risk of cardiovascular disease is not  
9 related to the consumption of dietary cholesterol, but to the serum levels of LDL  
10 cholesterol relative to HDL cholesterol. Kraft’s Honey Maid Grahams contain  
11 dangerous levels of *trans* fat, which increases LDL cholesterol and decreases HDL  
12 cholesterol levels. Kraft capitalizes on a common misperception of dietary  
13 cholesterol to mislead consumers who are specifically concerned about heart health  
14 into purchasing a product that increases their LDL serum cholesterol, lowers their  
15 HDL serum cholesterol and raises their risk for heart disease, diabetes, and cancer.

## Nabisco Ginger Snaps



85. **Misleading “Sensible Solution” Claims:** Kraft labels its Ginger Snaps containing artificial *trans* fat with a label that prominently states “Sensible Solutions.” Labeling the package in this way implies that it is “sensible” to consume the product contained within. Ginger Snaps, however, contain artificial *trans* fat which, far from a “sensible solution,” will cause heart disease, cancer, and diabetes in many of the individuals who consume them.

86. **Misleading “No Cholesterol” Claims:** Kraft labels its Ginger Snaps “No Cholesterol.”

87. As described in detail above, the risk of cardiovascular disease is not related to the consumption of dietary cholesterol, but to the serum levels of LDL cholesterol relative to HDL cholesterol. Kraft’s Ginger Snaps contain dangerous levels of *trans* fat, which increases LDL cholesterol and decreases HDL cholesterol levels. Kraft capitalizes on a common misperception of dietary

1 cholesterol to mislead consumers specifically concerned about heart health into  
2 purchasing a product that increases their LDL serum cholesterol, lowers their HDL  
3 serum cholesterol and raises their risk for heart disease, diabetes, and cancer.

4 **CLASS ACTION ALLEGATIONS**

5 88. Plaintiffs bring this action on behalf of themselves and the following  
6 Classes in accordance with Rule 23 of the Federal Rules of Civil Procedure:

7 89. The Classes are defined as:

8 Restitution and Damages Class:

9 All persons (excluding officers, directors, and employees of Kraft)  
10 who purchased, on or after January 1, 2000, one or more of the Kraft  
11 Trans Fat Products in the United States for their own use rather than  
12 resale or distribution.

13 Injunctive Relief Class:

14 All persons (excluding officers, directors, and employees of Kraft)  
15 who commonly purchase or are in the market for one or more Kraft  
16 Trans Fat Products in the United States for their own use rather than  
17 resale or distribution.

18 90. Questions of law and fact common to Plaintiffs and the Classes  
19 include:

- 20 a. Whether Kraft contributed to, committed, and/or is  
21 responsible for the conduct alleged herein;
- 22 b. Whether Kraft's conduct constitutes the violations of law  
23 alleged herein;
- 24 c. Whether Kraft acted willfully, recklessly, negligently, or with  
25 gross negligence in the violations of law alleged herein; and
- 26 d. Whether Class members are entitled to restitution; and
- 27 e. Whether Class Members are entitled to injunctive relief.

28 91. By purchasing and/or using the Kraft Trans Fat Products, all Class



1 members were subjected to the same wrongful conduct.

2 92. Absent these material deceptions, misstatements, and omissions,  
3 Plaintiffs and other Class members would not have purchased the Kraft Trans Fat  
4 Products.

5 93. Plaintiffs' claims are typical of the Classes' claims. Plaintiffs will  
6 fairly and adequately protect the interests of the Classes, have no interests that are  
7 incompatible with the interests of the Classes, and have retained counsel competent  
8 and experienced in class litigation.

9 94. The Classes are sufficiently numerous, as they each include hundreds  
10 of thousands of individuals who purchased the Kraft Trans Fat Products throughout  
11 the United States.

12 95. Class representation is superior to other options for the resolution of  
13 the controversy. The relief sought for each Class member is small. Absent the  
14 availability of class action procedures, it would be infeasible for Class members to  
15 redress the wrongs done to them.

16 96. Kraft has acted on grounds applicable to the Classes, thereby making  
17 appropriate final injunctive relief or declaratory relief concerning the Classes as a  
18 whole.

19 97. Questions of law and fact common to the Classes predominate over  
20 any questions affecting only individual members.

21 **Kraft fraudulently concealed the health hazards of consuming its products.**

22 98. Any applicable statute of limitations is tolled by Kraft's affirmatively  
23 concealing and publicly misrepresenting its violations of law as described herein.  
24 A reasonable consumer would have relied on the deceptive and false claims made  
25 on the packaging of the Kraft Trans Fat Products, and through the exercise of  
26 reasonable diligence would not have discovered the violations alleged herein  
27 because Kraft actively and purposefully concealed the truth regarding its products.  
28



**FIRST CAUSE OF ACTION**

**False Advertising under the Lanham Act, 15 U.S.C. § 1125 *et seq.***

99. Plaintiffs reallege and incorporate the allegations elsewhere in the Complaint as if set forth in full herein.

100. Kraft has made and distributed, in interstate commerce and in this District, products that make false or misleading statements of fact regarding their content. All of the products described herein were placed into interstate commerce by Kraft and sold throughout the country and this District.

101. The Kraft Trans Fat Products contain on their labels actual misstatements and/or misleading statements and failures to disclose, including, among others, the statement that such products contain “No Cholesterol.”

102. These false and/or misleading statements and omissions actually deceive, or have a tendency to deceive, any reasonable consumer. This deception is material in that it is likely to influence the purchasing decision of a reasonable consumer.

103. Plaintiffs seek an order directing Kraft to destroy all misleading and deceptive advertising materials and products in accordance with 15 U.S.C. § 1118.

104. Plaintiffs further seek an injunction under 15 U.S.C. § 1116 restraining Kraft, its agents, employees, representatives, and all persons acting in concert with Kraft from engaging in further acts of false advertising, and ordering removal of all of Kraft’s false advertisements and products possessing misleading statements or omissions of fact.

**SECOND CAUSE OF ACTION**

**Violations of the California Unfair Competition Law,  
Bus. & Prof. Code § 17200 *et seq.***

105. Plaintiffs reallege and incorporate the allegations elsewhere in the Complaint as if set forth in full herein.

106. Bus. & Prof. Code § 17200 prohibits any “unlawful, unfair or

1 fraudulent business act or practice.”

2 107. The acts, omissions, misrepresentations, practices, and non-  
3 disclosures of Kraft as alleged herein constitute “unlawful” business acts and  
4 practices in that Kraft’s conduct violates the Lanham Act, the False Advertising  
5 Law and the Consumer Legal Remedies Act.

6 108. The acts, omissions, misrepresentations, practices, and non-  
7 disclosures of Kraft as alleged herein constitute “unfair” business acts and  
8 practices in that Kraft’s conduct is immoral, unscrupulous, and offends public  
9 policy. Further, the gravity of Kraft’s conduct outweighs any conceivable benefit  
10 of such conduct.

11 109. The acts, omissions, misrepresentations, practices, and non-  
12 disclosures of Kraft as alleged herein constitute “fraudulent” business acts and  
13 practices in that Kraft’s conduct has a tendency to deceive both the Class members  
14 and the general public.

15 110. In accordance with Bus. & Prof. Code § 17203, Plaintiffs seek an  
16 order enjoining Kraft from continuing to conduct business through unlawful,  
17 unfair, and/or fraudulent acts and practices and to commence a corrective  
18 advertising campaign.

19 111. Plaintiffs further seek an order for the disgorgement and restitution of  
20 all monies from the sale of the Kraft Trans Fat Products, which were acquired  
21 through acts of unlawful, unfair, and/or fraudulent competition.

### 22 **THIRD CAUSE OF ACTION**

#### 23 **Violations of the California False Advertising Law,**

#### 24 **Bus. & Prof. Code § 17500 *et seq.***

25 112. Plaintiffs reallege and incorporate the allegations elsewhere in the  
26 Complaint as if set forth in full herein.

27 113. In violation of Bus. & Prof. Code § 17500 *et seq.*, the advertisements,  
28 labeling, policies, acts, and practices described herein were designed to, and did,

1 result in the purchase and use of the products without the knowledge that the Kraft  
2 Trans Fat Products contained toxic artificial *trans* fat.

3 114. Kraft either knew or reasonably should have known that the labels on  
4 the Kraft Trans Fat Products were untrue and/or misleading.

5 115. As a result, Plaintiffs, the Classes, and the general public are entitled  
6 to injunctive and equitable relief, restitution, and an order for the disgorgement of  
7 the funds by which Kraft was unjustly enriched.

8 **FOURTH CAUSE OF ACTION**

9 **Violations of the Consumer Legal Remedies Act,**

10 **Civ. Code § 1750 *et seq.***

11 116. Plaintiffs reallege and incorporate the allegations elsewhere in the  
12 Complaint as if set forth in full herein.

13 117. The CLRA prohibits deceptive practices in connection with the  
14 conduct of a business that provides goods, property, or services primarily for  
15 personal, family, or household purposes.

16 118. Kraft's policies, acts, and practices were designed to, and did, result in  
17 the purchase and use of the products primarily for personal, family, or household  
18 purposes, and violated and continue to violate the following sections of the CLRA:

- 19 a. § 1770(a)(5): representing that goods have characteristics,  
20 uses, or benefits which they do not have.
- 21 b. § 1770(a)(7): representing that goods are of a particular  
22 standard, quality, or grade if they are of another.
- 23 c. § 1770(a)(9): advertising goods with intent not to sell them as  
24 advertised.
- 25 d. § 1770(a)(16): representing the subject of a transaction has  
26 been supplied in accordance with a previous representation  
when it has not.

27 119. As a result, Plaintiffs and the Classes have suffered irreparable harm  
28 and are entitled to injunctive relief and restitution.



1           120. In compliance with Civ. Code § 1782, Plaintiffs have sent written  
2 notice to Kraft of their claims.

3                                   **FIFTH CAUSE OF ACTION**

4                                   **Violations of the Consumer Legal Remedies Act,**

5                                   **Civ. Code § 1750 *et seq.***

6           121. Plaintiffs reallege and incorporate the allegations elsewhere in the  
7 Complaint as if set forth in full herein.

8           122. The CLRA prohibits deceptive practices in connection with the  
9 conduct of a business that provides goods, property, or services primarily for  
10 personal, family, or household purposes.

11           123. Kraft's policies, acts, and practices were designed to, and did, result in  
12 the purchase and use of the products primarily for personal, family, or household  
13 purposes, and violated and continue to violate the following sections of the CLRA:

14                   e. § 1770(a)(5): representing that goods have characteristics,  
15                   uses, or benefits which they do not have.

16                   f. § 1770(a)(7): representing that goods are of a particular  
17                   standard, quality, or grade if they are of another.

18                   g. § 1770(a)(9): advertising goods with intent not to sell them as  
19                   advertised.

20                   h. § 1770(a)(16): representing the subject of a transaction has  
21                   been supplied in accordance with a previous representation  
22                   when it has not.

23           124. In compliance with Civ. Code § 1782, Plaintiffs have sent written  
24 notice to Kraft of their claims. Kraft received this notice on February 16, 2010 and  
25 failed to respond to Plaintiffs' demand and rectify their conduct on behalf of the  
26 Plaintiff Classes within 30 days of receiving Plaintiffs' § 1782 notice.

27           125. Kraft's failure to respond is ineffective to avoid the range of remedies  
28 available to Plaintiffs and the Classes under the CLRA. Kraft failed to (1) rectify  
its conduct and (2) offer to compensate Plaintiffs and the Classes for out-of-pocket

1 expenses, interest, and damages incurred as a result of purchasing the Kraft Trans  
2 Fat Products, which would not have been purchased had Kraft disclosed their  
3 actual *trans* fat content and pose serious health consequences for those who  
4 consume them when used as intended.

5 126. In accordance with Civ. Code §1780(a)(2), Plaintiffs and the Classes  
6 seek and are entitled to an award of actual damages, punitive damages, costs,  
7 attorneys fees, and any other relief deemed necessary, appropriate, and proper by  
8 the court pursuant to Civ. Code § 1780.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiffs, on behalf of themselves, all others similarly  
11 situated, and the general public, pray for judgment and relief against Defendants as  
12 follows:

- 13 A. Declaring this action to be a proper class action.
- 14 B. An order enjoining Kraft from
- 15 a. marketing the Kraft Trans Fat Products as “no cholesterol”  
16 and/or “cholesterol free” when they contain artificial *trans*  
17 fat. which raises serum cholesterol;
- 18 b. marketing the Kraft Trans Fat Products using the word  
19 “sensible” when they contain artificial *trans* fat;
- 20 c. marketing the Kraft Trans Fat Products using the word  
21 “wholesome” when they contain artificial *trans* fat;
- 22 d. use of any other misleading health claim on the products  
23 described herein.
- 24 C. An order compelling Kraft to conduct a corrective advertising  
25 campaign the public of its previous false and misleading statements and omissions.
- 26 D. An order requiring Kraft to disgorge all monies, revenues, and profits  
27 obtained by means of any wrongful act or practice.
- 28 E. An order compelling Kraft to destroy all misleading and deceptive  
advertising materials and products as provided by 15 U.S.C. § 1118.

1 F. An order requiring Kraft to restore all funds acquired by means of any  
2 act or practice declared by this Court to be an unlawful, unfair, or fraudulent  
3 business act or practice, untrue or misleading advertising, or a violation of the  
4 CLRA, plus pre-and post-judgment interest thereon.

5 G. Actual and punitive damages under the CLRA.

6 H. Costs, expenses, and reasonable attorneys' fees.

7 I. Any other and further relief the Court deems necessary, just, or  
8 proper.

9 **JURY DEMAND**

10 Plaintiffs demand a trial by jury on all causes of action so triable.

11 DATED: May 16, 2010

Respectfully Submitted,

12   
13

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